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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,824	09/29/2003	Jeff A. Lambert	200310435-1	2202

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EXAMINER

LEA EDMONDS, LISA S

ART UNIT PAPER NUMBER

2835

DATE MAILED: 06/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

H.A

Office Action Summary

Application No.

10/673,824

Applicant(s)

LAMBERT ET AL.

Examiner

Lisa Lea-Edmonds

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 11-14 and 20-22 is/are rejected.
- 7) ☒ Claim(s) 5-10 and 15-19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>09/29/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The examiner of record has considered the information disclosure statement (IDS) submitted on 09/29/03. Accordingly, the examiner of record has initialed the PTO-1449.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 11, 12, and 14 are rejected under 35 U.S.C. 102(a) as being anticipated by Wang et al. (6882527). With respect to claims 1-4, Wang et al. teaches an apparatus comprising: a movable drive cage (10) coupled to a computer case (20), the drive cage (10) housing a drive; and a clutch mechanism (30, 60) attached to the computer case (20) and coupled to the drive cage (10), the clutch mechanism (30, 60) inhibiting movement of the drive cage (10), wherein the drive cage (10) comprises a handle, wherein the clutch mechanism (30, 60) has a slot (32, 61), wherein the clutch mechanism (30, 60) is coupled to the drive cage (10) via a coupling mechanism (40), the coupling mechanism (40) comprising a prong (42, 43) inserted into the slot (32, 61) as claimed (see for example figures 1-8). With respect to claims 11, 12, and 14,

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Wang et al. teaches a system comprising: a computer case (20); a drive cage (10) pivotally coupled to the computer case (20); a clutch (30, 60) rigidly coupled to the computer case (20); and a coupling mechanism (40) coupling the drive cage (10) to the clutch (30, 60), the coupling mechanism (40) and the clutch (30, 60) inhibiting movement of the drive cage (10), wherein the drive cage comprises a handle, wherein the clutch (30, 60) has a first slot (32) and a second slot (33) as claimed (see for example figures 1-8). With respect to applicant's handle, the examiner of record looks toward the definition of "handle – to touch, lift, or hold with the hands" as defined by *THE AMERICAN HERITAGE COLLEGE DICTIONARY 4TH EDITION*.

4. Claims 20-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Glidea et al. (5566383). With respect to claims 20 and 21, Glidea et al. teaches an apparatus comprising a drive cage (40) pivotally attached to a computer case (220); means for moving the drive cage (40); and means for inhibiting movement of the drive cage, wherein the inhibiting means comprises a means for retaining the drive cage in an open position as claimed (see for example figures 20a-20c). With respect to claim 22, Glidea et al. teaches a method comprising the steps of: providing a drive cage pivotally coupled to a computer case; moving the drive cage to a position; and retaining the drive cage, via a clutch, in the position as claimed (see for example figures 20a-20c).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wang et al. (6882527). With respect to claim 13, Wang et al. teaches the invention as set forth by claim 11 (see the above 102 rejection). However, Wang et al. lacks a teaching of the drive cage (10) being pivotally attached to the computer case (20) via shoulder screws as claimed. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the pivot pins of Wang et al. to be shoulder screws, as they are both well known attachment means and are viewed as equivalent structure known in the art. Therefore, because pivot pins and shoulder screws are art recognized equivalents at the time the invention was made, one skilled in the art would have found it obvious to substitute the shoulder screw for the pivot pin.

Allowable Subject Matter

3. Claims 5-10 and 15-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. The following is a statement of reasons for the indication of allowable subject matter: with respect to claims 5-10, patentability resides, at least in part, in the coupling mechanism comprising a prong, wherein the prong further comprises a tab having a rim, in combination with the other limitations of the claims; with respect to claims 15-19, patentability resides, at least in part, in the coupling mechanism comprising a first prong and a second prong inserted into the first and second slot, in combination with the other limitations of the claims.


Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please note the teachings of Felcman et al. (5973918), Barina et al. (6507487), Felcman et al. (6301099), Kim et al. (6781841), Lin et al. (6754071), Chen (6388876), and Chen et al. (6404625).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Lea-Edmonds whose telephone number is 571-272-2043. The examiner can normally be reached on Monday - Friday..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Field can be reached on (571) 272-2800, ext 35. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Lisa Lea-Edmonds
Primary Examiner
Art Unit 2835

2005-06-08